

VZCZCXYZ0000
PP RUEHWEB

DE RUEHTU #0074/01 0361657
ZNY CCCCC ZZH
P 051657Z FEB 09
FM AMEMBASSY TUNIS
TO RUEHC/SECSTATE WASHDC PRIORITY 5960
INFO RUCNMGH/MAGHREB COLLECTIVE PRIORITY

C O N F I D E N T I A L TUNIS 000074

SIPDIS

NEA/MAG (PATTERSON/HAYES); DRL (JOHNSTONE/KLARMAN)
LONDON AND PARIS FOR NEA WATCHER

E.O. 12958: DECL: 02/04/2019
TAGS: PHUM PGOV PINS KDEM KPAO TS
SUBJECT: GAFSA APPEALS COURT REDUCES UNEMPLOYMENT
PROTESTERS' SENTENCES; PRISONERS SAY THEY WERE TORTURED

REF: 08 TUNIS 1238

Classified By: Ambassador Robert F. Godec for reasons 1.4 (b) and (d)

Summary

¶11. (C) On February 4, the Court of Appeals in Gafsa reduced the sentences of most of the 38 people involved in the Redeyef unemployment protests who were convicted on December 11 on charges ranging from destroying public property to leading an armed rebellion. Witness testimony yielded several common themes, including accusations of torture and allusions to governmental corruption. The defendants originally received terms ranging between two and 10 years. The Appeals Court reduced most sentences to terms ranging between one and eight years, though some defendants who were originally acquitted were convicted on appeal. End Summary.

Peaceful Protest or Armed Rebellion?

¶12. (C) In early 2008, residents of the southwestern mining towns of Redeyef and Gafsa began protesting over allegations that the hiring practices of the Gafsa Phosphates Company (CPG) favored relatives of CPG executives and local officials, and that jobs were being sold to out of town workers. Over time, the protests expanded over the region's high unemployment rate (which some estimate to be almost fifty percent) and the rising cost of staple foods. Demonstrations continued on and off for six months. Some protests were reportedly violent; security forces shot two people who later died as a result of complications from their injuries. The leaders of the demonstration consistently maintained that they were peacefully advocating for their right to work. Government prosecutors charged them with leading an armed rebellion, forming a criminal group with the intent of destroying public property, assault on officials during the exercise of their duties, and spreading false news likely to disturb public order. During the December 11 trial at the Gafsa Court of First Instance, 38 defendants received terms ranging between two and 10 years (reftel).

The Twenty Hour Trial

¶13. (C) The hearing at the Court of Appeals began at 10:00 AM on February 3 and went on until 6:00 AM the next morning. The appeal was the first time the defendants had an opportunity to testify in open court, due to the abrupt ending of their original trial. Though there was a significant police presence, the atmosphere at the appeal was calmer than during the December 11 hearing. For the February

3 court date, representatives from French and Algerian unions were present, along with the Tunisian and French Green parties, a member of the executive board of the Tunisian General Workers Union, the International Federation of Human Rights, Amnesty International, and the European Union Commission, as well as PolOff. The defense attorneys' main complaint was that the judges refused to give them time to prepare their closing statements, instead demanding that the lawyers begin immediately after witness testimony ended.

¶4. (C) Adnan Hajji, a local labor union leader who led the protests, testified that the local delegate asked him to form a citizens' committee that could negotiate with the government on behalf of the protesters. In that capacity, he and four others met several times with local government officials. Hajji said he also spoke directly to the Minister of Health about the situation in Gafsa. He used these meetings as evidence that the GOT considered him an interlocutor, not a criminal. According to Hajji, protests intensified after security forces began looting local homes and business, but added that at no time did he advocate violence. During his testimony, Hajji said that local officials were guilty of "irregularities," and wondered why no charges were brought against them but did not go into details. In April, Hajji said security forces arrested him and offered him money to walk away but he refused. While in custody, he said that he was beaten and sexually assaulted for four days before he was released. During his testimony Hajji opined, "Lack of development is at the root of the problem... the riches of Tunisia should be fairly distributed. The people of Redeyef should not live like this. If asking for a job was a crime, then I am ready to pay the price."

¶5. (C) The testimony of Bechir Laabidi and other prisoners largely echoed Hajji's statement, with many alleging torture and corruption. Laabidi alluded to "thieves" with ties to the police and local government. He did not name names, though he said that these people play an active role and are "known." He also opined that because of the lack of opportunities in the region, "the only option the government has left its people is to leave the country." Fellow defendant Taieb Ben Othman testified that he too was severely beaten while in police custody, at which point the presiding judge cut him off, saying, "Details aren't necessary." Ben Othman said that he was examined by a local doctor after he was released, and asked that the doctor testify, but the judge did not respond. He added that the police made him sign several statements without letting him read what he was signing, and forced him to copy another statement they had written before signing. During his testimony, Ben Othman said that the pan-Arab satellite station al-Hiwar sent someone to interview him and opined that he would like Channel 7 (the official channel in Tunisia), which receives taxpayer dollars, to do the same. Concluding, Ben Othman said, "we see world events on Channel 7, but nothing of what happens here," eliciting cheers from many observers.

¶6. (C) Several prisoners seemed to be confused as to why they had been arrested at all. One man said he was nearly 60, too old to be protesting in the streets; he didn't know why he had been charged with participating in the demonstrations. Another said he was baffled by the questions he was asked while in detention. Rather than asking him about his role in the protests, he said, he was questioned about the political affiliation of Hajji and whether he knew any members of the Communist party. (Note: By Communist Party, it is not clear whether the interviewer was referring to at-Tajdid, a recognized opposition party that was formerly the Communist party in Tunisia, or the unrecognized Tunisian Communist Workers' Party.) During cross examination, lawyers pointed out that of the five men who served on the citizens' committee, only three were arrested, but no explanation was provided as to why the remaining two were not. Multiple defendants said that while in police custody, security forces forced them to remove their clothing before they were beaten.

The Verdict

17. (SBU) The Appeals Court on February 4 announced the following sentences:

-- Adnan Hajji and Bechir Laabidi's sentences were reduced from ten years and one month to eight years in prison.

-- Taieb Ben Othman's sentence was reduced from ten years to six, as were those of Adel Jiaar and Tarek Halaimi.

-- The original sentences of Maher Fejraoui (ten years and one month), Hassan Ben Abdallah (ten years and one month), Fehim Boukaddous (six years), and Mohieddine Charbibe (two years), all of whom were convicted in absentia and are still in hiding, were upheld.

-- Abid Klaifi, Hedi Boussallah, Mdhaaffar Laabidi, Ghanem Chraiti, Boubaker Ben Boubaker, Hafnaoui Ben Othman, and Mahmoud Raddadi, who originally had terms ranging between four and six years, were awarded reduced sentences of three years.

-- Haroun Helimi, Sami Ben Ahmed, Faycal Ben Amor, Abdessalem Helali, Ridha Ezzeddine, and Rachid Abdaoui were all sentenced to six years and one month on December 11, but the Appeals Court reduced their sentences to four years.

-- Ridha Amaidi, Thameur Maghzaoui, Issam Fejraoui, Mouadh Ahmadi, Abdellah Fejaoui, Mohamed Beidi, Radhouane Bouzaiane, Makrem Majdi, Othman Ben Othman, Mohamed Helali, and Mohsen Amaidi all received a two year suspended sentence, maintaining the Court of First Instance's verdict.

-- As Tunisia does not recognize double jeopardy, several defendants who were found not guilty on December 11, 2008, were given two-year suspended sentences: Boujemaa Chraiti, Lazhar Abdelmalek, Ismail Jawhari, Habib Khedir, and Ali Jedidi.

Comment

18. (C) The harsh sentences for participating in unlawful demonstrations, handed down just weeks after the GOT allowed scores of unauthorized protests over the situation in Gaza to proceed unhindered, will not sit well with the population of the southern mining region. In addition, several local human rights organizations have denounced the severity of the sentences. There is a clear double standard: while the GOT is willing to allow the population to protest external issues, internal criticism is another matter. It is possible, though, that there might be more such protests in Tunisia's future. There is pent up resentment in Tunisia over high unemployment and the growing perception of corruption. Unless the GOT is proactive about addressing concerns about chronic unemployment it could very well face demonstrations in other regions, such as El Kef. End Comment.
Godec